

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YORK COUNTY ON BEHALF OF THE
COUNTY OF YORK RETIREMENT
FUND,

Plaintiff,

v.

HP INC., et al.,

Defendants.

Case No. [20-cv-07835-JSW](#)

**ORDER REQUIRING ADDITIONAL
BRIEFING RE *HABELT V. IRHYTHM
TECHNOLOGIES, INC.*, 83 F.4TH 1162
(9TH CIR. 2023)**

Re: Dkt. No. 76

Defendants HP, Inc., Dion Weisler, Catherine Lesjak, Enrique Lores, and Richard Bailey filed a renewed motion to dismiss the Complaint in this action, which remains pending before the Court. On October 12, 2023, Defendants filed a Statement of Recent Decision alerting the Court to the Ninth Circuit's ruling in *Habelt v. iRhythm Technologies, Inc.*, 83 F.4th 1162 (2023), decided after briefing on the renewed motion was completed. Lead Plaintiff Maryland Electrical Industry Pension Fund has not had an opportunity to respond.

In *Habelt*, the Ninth Circuit appears to announce a new rule that a plaintiff who files the initial complaint in a securities putative class action is extinguished as a party if, after a different plaintiff is selected as lead under the PSLRA, the plaintiff's particular claims are not referenced in the operative complaint. 83 F.4th at 1166; *see id.* at 1169 (“[T]he majority appears to create a new rule that a litigant’s name must be specifically listed in the body of the operative complaint to be considered a party, regardless of the history of the litigation.”) (Bennett, J., dissenting).

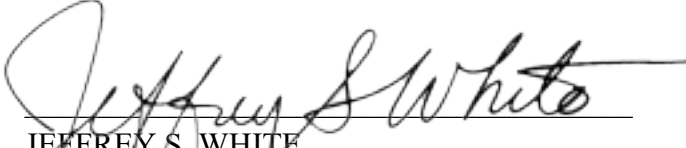
Here, one of the issues raised by Defendants’ motion is whether York County, the initial plaintiff, remains a party to the action. Accordingly, the Court ORDERS supplemental briefing from the parties regarding the application of *Habelt* to York County’s status in this proceeding.

1 The parties should address whether the Court's interpretation of *Habelt* set forth above is correct
2 and whether *Habelt* mandates a finding that York County's party status has been extinguished.

3 The parties shall submit their briefs, no more than seven (7) pages each, by 5:00 p.m. on
4 Friday, March 8, 2024. Unless the Court determines further briefing is necessary, opposition or
5 reply briefs will not be permitted.

6 **IT IS SO ORDERED.**

7 Dated: February 27, 2024

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9 JEFFREY S. WHITE
10 United States District Judge
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